

REMARKS

Replacement sheets for figures 1-3 are submitted herewith.

Claims 1-20 are pending in the application. Claims 1, 2, 4, 5, 12, 13 and 18 are rejected under 35 USC 102(b) as being anticipated by Staples (5,889,845). Applicants respectfully traverse this rejection for at least the reasons stated below.

As stated in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit, as will be detailed below, that Staples does not, either expressly or inherently, teach or suggest many limitations recited in the pending claims.

Claim 1 states:

1. (original) In a communication network having at least a first calling station connected to a first telephonic network and a service-user calling station connected to a packet-based network, an improvement of an assembly for facilitating call connection between the first calling station and the service-user calling station, the service-user calling station having at least a first virtual calling-station identity in the first telephonic network such that the service-user calling station appears virtually resident in the first telephonic network, said assembly comprising:

a virtual-location indexer embodied at the packet-based network, said indexer for indexing together the at least the first virtual calling-station identity of the service-user calling station with a selected packet-based-network identity of the service-user calling station,

the packet-based-network identity associated with logical connection of the service-user calling station to the packet data network and the virtual calling-station identity associated with a virtual residency location of the service-user calling station in the first telephonic network, and said indexer accessed pursuant to call routing of a call between the first calling station and the service-user calling station to permit effectuation of the call connection therebetween.

The Examiner has rejected all of the limitations above based on col. 2, line 55 – col 3., line 10 and col. 6, line 39-48. The portions quoted by the Examiner as anticipating Applicant's invention state "In the preferred embodiment, as shown, the communication mechanism is the public switched telephone network (PSTN), using either conventional analog transmission or ISDN (Integrated Services Digital Network) transmission. In the present disclosure, the term "public switched telephone network" (PSTN) includes any of various types of communications mechanisms, including analog or digital telephony transmission as mentioned above, DSL

(Digital Subscriber Line), such as ADSL or HDSL, ATM (Asynchronous Transfer Mode), FDDI (Fiber Distributed Data Networks), and T1 lines, among others. The virtual presence server 106 interfaces to a telephony server 112, such as a private branch exchange (PBX) or Centrex unit in the corporate office. In embodiments where the corporate office includes a call server instead of a conventional PBX, the virtual presence server 106 connects to the call server. In the present disclosure, the term "telephony server" is intended to include a PBX, Centrex system, and other devices or systems, which perform telephony switching services or functions. Also, the term "PBX" is used herein to be equivalent to "telephony server" for convenience. Therefore, a co-worker or other party who telephones the remote user at the corporate office, or sends email, data or a fax to the remote user at the corporate office, is unaware that the user is actually not physically located at the corporate office, but rather is at a remote location. In general, a secretary or receptionist located just outside the user's physical corporate office location is unable to discern whether the user is located in his office at the corporate office or at a remote location. Thus the remote user maintains a virtual presence which is "just like being there". (col 5, ll. 17-27, 37-47, Col. 7, ll. 36-47). However, Applicant's claims state that "the packet-based-network identity associated with logical connection of the service-user calling station to the packet data network and the virtual calling-station identity associated with a virtual residency location of the service-user calling station in the first telephonic network." Applicant's claims state that the assembly by way of the virtual calling station creates a local connection within the same telephone network. ***It is not a virtual presence as in a "virtual office."***

With regard to Applicant's invention claim elements "a virtual-location indexer embodied at the packet-based network, said indexer for indexing together the at least the first virtual calling-station identity of the service-user calling station with a selected packet-based-network identity of the service-user calling station, the packet-based-network identity associated with logical connection of the service-user calling station to the packet data network and the virtual calling-station identity associated with a virtual residency location of the service-user calling station in the first telephonic network, and said indexer accessed pursuant to call routing of a call between the first calling station and the service-user calling station to permit effectuation of the call connection therebetween" the Examiner states that the following portion

of Staples anticipates Applicant's invention "When the remote user desires to establish a virtual presence at the corporate office, the remote user directs the user telephony communications device to dial the virtual presence server and establish a connection. This includes providing identification information and security information to the virtual presence server. Once the remote user is connected, the virtual presence server instructs the corporate PBX to automatically forward the remote user's office calls to the remote user at the remote location. The virtual presence server preferably performs a remote access *call forwarding operation* to direct calls that are made to the remote user's office telephone number to be forwarded to the virtual presence server. The virtual presence server then routes these forwarded telephone calls to the user telephony communication device being used by the remote user. Thus, external parties which call the user at the office are automatically routed to the remote user by the virtual presence server. The virtual presence server also routes email, faxes, and LAN data to the remote user. The virtual presence server also extends the corporate PBX and corporate LAN features to the remote user, just as if the remote user were physically located in the corporate office. The user telephony communication device 104 in the computer system 102, as well as the virtual presence server 106 at the corporate office, allow a remote user to seamlessly access and use resources at the corporate office, such as the corporate office private branch exchange (PBX) 112 and local area network (LAN) 114. Thus, a remote user with a virtual presence connection according to the present invention has all of the facilities and features provided by the PBX 112 and LAN 114 at the corporate office while working from a remote location." While the above quoted portions of Staples use words such as "virtual" and "PBX", the context is entirely different from Applicant's invention. There is no "said *indexer for indexing together the at least the first virtual calling-station identity* of the *service-user calling station with a selected packet-based-network identity of the service-user calling station, the packet-based-network identity associated with logical connection of the service-user calling station to the packet data network and the virtual calling-station identity* associated with a virtual residency location of the service-user calling station in the first telephonic network, and said *indexer accessed pursuant to call routing* of a call between the first calling station and the service-user calling station to permit effectuation of the call connection therebetween."

As stated previously, the Staples reference primarily discloses an ability to forward calls from one location to another and to extend features from one location to another. However, the reference ***does not disclose***:

- a virtual-location indexer
- a first virtual calling-station identity
- a packet-based-network identity
- a service-user calling station

and indexing together the first virtual calling-station identity of *the service-user calling station* with the selected packet-based-network identity of *the service-user calling station*

- a logical connection
- a virtual residency location

where the packet-based-network identity is associated with a logical connection ***of the service-user calling station to the packet data network and the virtual calling-station identity associated with a virtual residency location of the service-user calling station in the first telephonic network.***

As set forth clearly above, Staples does not teach or suggest each and every element above as set forth in claim 1 or claim 12. Thus, Staples does not anticipate in any way Applicant's invention. "A claim is anticipated ***only if each and every element as set forth in the claim is found***, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Applicants respectfully submit, as is detailed above, that ***Staples does not, either expressly or inherently, teach or suggest many of the limitations recited in the pending claims.***

However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended claims 1 and 12 to include the following limitations:

1. (currently amended) In a communication network having at least a first calling station connected to a first telephonic network and a service-user calling station connected to a packet-based network, an improvement of an assembly for facilitating call connection between the first calling station and the service-user calling station, the service-user calling station having at least a first virtual calling-station identity in the first telephonic network such that the service-user

calling station appears virtually resident in the first telephonic network, said assembly comprising:

a virtual-location indexer embodied at the packet-based network, said indexer for indexing together the at least the first virtual calling-station identity of the service-user calling station with a selected packet-based-network identity of the service-user calling station,

the packet-based-network identity associated with logical connection of the service-user calling station to the packet data network and the virtual calling-station identity associated with a virtual residency location of the service-user calling station in the first telephonic network,

said indexer accessed pursuant to call routing of a call between the first calling station and the service-user calling station to permit effectuation of the call connection therebetween, wherein the call connection is local to the first telephonic network.

Support for such limitations can be found at least in paragraphs [0029] through [0046] of the instant invention. Staples does not teach or suggest such limitations.

The Examiner states that he is taking Official Notice regarding claims 3, 16 and 17 that he is taking Official Notice that Staples teaches the “service-user calling station is moveable, separately connectable at the first logical location and at the at least the second logical location, and wherein the selected packet-based network identity indexed together by said virtual location indexer is updateable responsive to movement and connection of the service-user calling station separately at the first logical location and at the at least the second logical location.” However ***Staples does not teach whether the index is updateable.*** Though, the Examiner is taking Official Notice that is well known to one in of ordinary skill in the art to modify Staples to incorporate the feature of updating an index in Staples invention. Still, as set forth above, the element “**indexing together the first virtual calling-station identity of the service-user calling station with the selected packet-based-network identity of the service-user calling station**” is ***not in Staples invention.***

It would not be appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based.

Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697 (“[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings.”). While the court explained that, “as an administrative tribunal the Board clearly has expertise in the subject matter over which it exercises jurisdiction,” it made clear that such “expertise may provide sufficient support for conclusions [only] as to peripheral issues.” Id. at 1385-86, 59 USPQ2d at 1697. As the court held in Zurko, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. Id. at 1385, 59 USPQ2d at 1697.

As such Applicant would like the examiner to support each and every instance of his statements above as to where every element of Applicant’s claim elements are supported in Staples.

As all the independent claims are allowable, all the dependent claims depending therefrom are also allowable. Per the above comments, Applicant believes the current claims are in condition for allowance. As such, Applicant believes that claims 1-20 are in condition for allowance.

CONCLUSION

For the above reasons, the foregoing amendment and response places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned.

	Respectfully submitted,
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